

was asserted by Plaintiffs that the Restraining Order was served upon Defendant. Even a mistaken act of selling in violation is not excused by the intentional act of proceeding with filing of a legally void deed executed in violation of same. 2) To compound the misfeasance, there are sworn affidavits of two witnesses that no substitute trustee from any lender appeared at the relevant Courthouse and sold any property whatsoever on the date in question. The malfeasance of possibly foreclosing in violation of a Court Order is compounded by the Fraudulent claim of appearing and conducting a public sale when one did not. Attaching a sworn but false declaration and filing the document with the County Clerk's Office is normally a criminal act but filing a false lien and fraudulently clouding title is recoverable under the Civil Statutes of Texas by these Plaintiffs.

2. Plaintiffs object to the legal conclusions in this paragraph and note the dates conceding the actions above. Defendant failed to timely object to the requested affirmative relief or seek leave to do so beyond the allowed time. Given the violation of the local rules for responding to Motions Defendant has waived any objections as to procedural deficiencies.

3. Defendant has failed to either object to the Amended Complaint, file a motion for a more definite statement or timely object to the request for affirmative relief. Furthermore, without sufficient explanation of either violating the original restraining order issued by this Court's sister court below, the Defendant should be estopped from seeking affirmative relief. There is almost no doubt that this Defendant violated the initial State issued restraining order, there are no similar procedure objections to that document, and compounded that error by filing what is almost certainly a void, false and fraudulent verified document claiming a public sale took place without the presence of any physical being seen, heard or found at the County Courthouse grounds from 8 am until 5 pm. Likelihood of recovery is strong given the preponderance of

evidence available from the Plaintiffs and the continued silence and tardy objections from the Defendant.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that the Court DENY the relief sought in the Motion or, in the alternative, set the matter for evidentiary hearing to determine the validity of the factual allegations of both parties herein before entering a decision on the motion. The completion of a short evidentiary hearing will resolve 90% of all fact issues herein and assist in a speedy resolution to the entire case.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this pleading has been served upon all counsel of record via ECF service with the Court pursuant to the Federal Rules of Civil Procedure on this, the 8th day of September 2017.

 /s/ by Oscar Cantu
Oscar Luis Cantu, Jr.